

**Ravalli County Planning Board
Meeting Minutes for April 23, 2008
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Riverside Meadows (Norgaard) Major Subdivision
Florence Orchard Homes (Solheim) Minor Subdivision and Two Variance Requests
Orchard Hills Estates (Wil-Rock, LLC) Major Subdivision

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting
may be purchased from the Planning Department for \$5.00.*

1. Call to order

Lee called the meeting to order at 3:05 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (excused)
Dale Brown (present)
John Carbin (present)
Jim Dawson (present)
Ben Hillicoss (present)
Dan Huls (excused)
JR Iman (present)
Lee Kierig (present)
Chip Pigman (present)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

John Lavey
Kimberli Conder

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from April 16, 2008. There was one minor change but the minutes were approved with the change included.

4. **Amendments to the Agenda**

John Lavey stated that there would be a change in the order of subdivisions and that all three would be heard today. Riverside Meadows is still first, Orchard Hills Estates and Florence Orchard Homes order would be switched around.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Riverside Meadows (Norgaard) Major Subdivision

(i) Staff Report on the Subdivision

(ii) Presentation by Subdivider's Representative

Tony Prothero, the subdivider's representative who is from Intermountain Consulting Engineers, LLC in Helena, said that the staff report was accurate and had a few things to add.

Tony stated that some of the soil that is of importance is in the parkland area, but as of now that area will not be built on because it will be dedicated as parkland. He also said that DEQ had approved everything but the developer asked them to wait until the decision of what will be done with the parkland issue has been settled. This area has been used for haying but there is no real sustainability for agricultural use there. Last he wanted it to be known that this would take about 10 years to build out.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.

There were none.

Les asked if there is a provision for a bus shelter so children will have an area to wait for the school bus.

Tony said that they have not proposed anything. After talking to the school district they did not indicate that we would need to provide anything like that, but if necessary he said that they would not be opposed to a discussion.

Les said that it was his understanding that busses would not go on private roads.

Tony said that the school district indicated that if the Planning Board required it then they would work with the developer to get something settled.

Les said that he thought this was something that needed to be taken care of before the final plat. He also asked if there were any plans of sidewalks or trails.

Tony answered that after the easements there is not a lot of room for walks. Also, these will be very low traffic streets. Again, if the county prefers to have the sidewalks they can talk about that also.

Ben said that The Planning Board, though it is not in the regulations, tries to encourage having something on at least one side for children's safety. He said they also encourage trails. He said that his recommendation would be to have a connection to the other trails of the other communities in that area.

Tony said that they will look into something like that.

Ben recommended a subdivision garden be located within the proposed parkland area. He also stated that he thought it mentioned in the regulations that there were rules against having a 10 year build out.

John Lavey said that this is only true in a phased subdivision and this is not a phased subdivision.

Chip said that it is not a big deal because they will still be paying taxes on this property.

Ben asked if the developer's did any traffic counts.

Tony stated that they did several. He said that in the final road plans they are required to get an updated approach permit from MDT for Huckleberry Lane. Tony said that a couple of years ago there was not a huge difference in traffic but now there may be so he will go ahead and get the new permit to be safe.

Ben said that he is more concerned about the cumulative impact as research shows that the light at Florence is already over used.

Chip said that he was looking through the application and he may have missed it, he was wondering if there was a letter from MDT that he had missed somewhere. He said he knew that MDT is on the agency list and he just wanted to make sure that he did not miss something important.

Ben said that there is nothing in the packet but that he was given the information and asked not to hand it out.

Bob said that he was not entirely sure what the Parks Board had discussed, as he has been out of town, as far as trails. His thoughts are that it is very important to have at least 5 foot paved trails. Relative to the park, Fish and Wildlife recommended a no build no alt zone there is occasionally too much rain that could potentially cause trouble in the future, this is why the Board would prefer Cash – in – Lieu.

Jim stated that he did not find any soil, perc or septic tests in the application anywhere.

Tony state that all of that information was handed over to DEQ. He also said that they are waiting on what Planning Board decides so they can see where Environmental Health and DEQ would take their next steps.

Jim asked if there were any cumulative impact analyses on the drainage into soils.

Tony said yes and the worst case scenario was 3 consecutive drain fields to do tests on.

Jim asked if any pump tests had been done.

Tony said no because there is plenty of wells or water supply in that area.

Chip asked the staff regarding their decision behind condition #9. He asked that if the applicant maintains the road and then the public gets to use it and do whatever they want to it, would it be possible to put it in as private road with a public easement.

John Lavey said that it was not a problem to do that and it is more accurately put that way as well.

JR said that as long as there is a RMA, then the bus will drive on a private road.

Les said if that is the case, then the development needs to show that agreement to the superintendent and then get that into the covenants.

JR said that if the school does not respond to this letter already then why is that the developers fault. He said that he would suggest a hammerhead turn so that the bus is off of Eastside Highway.

Les said that yes he agrees with JR, but that there should be a shelter too.

Chip said in the past that we have heard that they like to stop traffic both ways on the highway because then it is easier rather than trying to cross traffic to turn.

Lee asked that as a board do we stick status quo or do we request that they have this shelter and request response from the school district.

JR said that we need to request a letter from the school asking which or both would they like to see.

Lee said that he would like to see this included in the motion when it is made so that we can make sure that this truly happens.

John Carbin said that the Public Health and Safety Issues have not been addressed. He said that just like last week the response time is still a significant concern.

Lee stated that he also had some concerns regarding criterion 3 & 6. There have been no changes in the Sheriff, ambulance, or fire since last week. He stated for the record, that he still has an issue with all of these things.

Les said that in some respects he disagrees with Lee on this. Different from last week, this development is within 2-3 miles from the fire station, this development has EMTs and response time with in probably 5-10 minutes. He said that the Board's concerns of last week are not the same. He then stated that they should go around the circle for the 6 criteria and determine whether significant or insignificant independently.

Lee said that sounded fine and to start with JR.

(iv) Planning Board deliberation and recommendation on the subdivision proposal.

Board discussion and deliberation on the Six Criteria for Subdivision Review (See Attachment C, Six Criteria for subdivision review)

1. Effects on Agriculture, including effects on the agricultural sector, loss of agricultural ground and effects on surrounding agricultural activities or practices.

Ben said there was a significant impact, but the developer could mitigate the loss of statewide land with the subdivision garden.

John Carbin abstained from voting as he thought he did not have enough information to vote correctly.

The other 7 members of the board voted that there was an insignificant impact.

2. Effects on Agricultural water-user facilities.

All nine voting members said there was a non-significant effect.

3. Effects on local services, including public road system, police and fire protection, utilities and public schools.

Four of the voting members decided there was a significant impact because the road is dangerous for the fire department, EMTs, and arrival for police services, and the impact on the school district.

Five of the voting members voted that there was a non-significant impact because there are adequate services nearby, and there is access to a major highway.

4. Effects on the natural environment, including ground water contamination, riparian/wetland areas, soil erosion, vegetation and air pollution and noxious weeds.

Jim voted that there was a significant impact because the evaluation is incomplete. He said that he understands that all the information is with DEQ but he would like to see the results and not just hear about them.

The rest of the voting members voted there was not a significant impact.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals.

All nine voting members voted that there was a non-significant impact.

6. Effects on public health and safety, including sanitary issues such as sewage disposal and ground water contamination, police and fire protection, wild land fire hazard, traffic safety and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, overhead power lines, industrial activities, mining activities , irrigation ditches and defined dam inundation areas.

Five voting members stated that there is significant impact because of lack of evidence of protecting the water, the lack of response time from law enforcement, and extended response time in general for services.

Four voting members decided there was no significant impact because there was adequate mitigation and because of the conditions stated in the staff report.

John Lavey asked the board if they wanted to discuss Conditions 7 & 8 of the Staff Report.

Chip stated that the staff report says this will be decided by the BCC. He said that he thinks the board should just stick to that deferment.

Jim made a motion to deny the subdivision proposal based on significant impacts of Criterion 6, no significant data on soils or groundwater, no significant studies on impacts on streams for subdivisions, and there are no specific drain tests or perc tests.

Ben seconded the motion.

The vote was called; the members voted (5-4) to approved the motion to deny the subdivision. (See Attachment E, Ravalli County Planning Board Voting Sheet)

(B) Orchard Hills Estates (Wil-Rock, LLC) Major Subdivision

(i) Staff Report on the subdivision

John Lavey gave the staff report stating that the Planning Staff recommends approval of the Orchard Hills Estates Major Subdivision based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

(ii) Presentation by Subdivider's Representative

Terry Nelson of Applebury Survey is the Applicant's Representative. He stated that they agree with the Planning Staff and the conditions. The well septic/sanitation are two separate entities in the law. According to the law DEQ cannot give approval until the comments from the Planning Board and the BCC have come through. But this subdivision has met all the state and local approval laws. A traffic analysis was done and it is fairly unique. We worked with RCRBD and they gave us some recommendations on striping, road signs, guardrails etc. and the developers have already done these recommendations. As for the public health and safety, fire, sheriff, EMTs etc, the state law clearly outlines a procedure for impact fees. There are some soils that are important but we have set those aside as no build/ no alt zones. Also, approximately 14 acres are set aside for no build for protection of natural resources. The applicant has requested that this be dedicated to Parkland Development.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposal.

There were none.

Bob asked why there is only irrigation available to the big lots and not all of the lots.

Terry stated that it is because when you get to the smaller lots the irrigation water is not clean enough.

Les asked if the 14 acres of no build, no alt zone is before or after fencing and if that included the whole ditch area as well.

Terry said that the entire acreage was included in that number.

Les said that he noticed the 4 foot gravel trail for a horse path, and wondered if that could be blacktopped and use it for a human path also.

Terry said that given the size of lots and the potential of the number of people that they are anticipating that will have horses in this area, gravel is better for the horses and can be used for the people too.

John Carbin asked if Terry knew anything about the response time estimate.

Terry said that he does not have an exact, but this area is right in the middle between Corvallis and Stevi so response time should be fine.

JR stated that the ground that is not irrigated is lost according to BRID. Also he wanted to know how the water is coming out of the canal.

Terry stated that there is no new access but that it will be re-routed.

JR said that his concern is that they are measuring AFTER it comes out of the canal and he does not see any volume control. He asked if they had that information somewhere.

Willie Schrock, the subdivider, stated that yes they do.

JR said that as the representative for the Conservation District he has no problems with this subdivision.

Lee asked if there was any historical regard because of it being an old orchard track.

Terry said that it used to be but it has not been orchard in a long time.

Bob said, for the record, the Parks Board recommended cash-in-lieu and we did not see too much wild life damage. The reason we would rather see cash-in-lieu is because Corvallis could really put those funds to good use. And finally, he said that he finds the gravel path to be adequate.

- (iv) Planning Board deliberation and recommendation on the subdivision proposal.

Board discussion and deliberation on the Six Criteria for Subdivision Review (See Attachment F, Six Criteria for subdivision review)

1. Effects on Agriculture, including effects on the agricultural sector, loss of agricultural ground and effects on surrounding agricultural activities or practices.

Ben said there was a significant impact because this is prime ag land.

The other eight members of the board voted that there was an insignificant impact.

2. Effects on Agricultural water-user facilities.

JR said that it does have a significant impact, but that the application has been submitted on the irrigation plan and volume control and meets BRID standards so he is ok with that.

All nine voting members found an insignificant impact.

3. Effects on local services, including public road system, police and fire protection, utilities and public schools.

All nine voting members stated that there was not a significant impact.

4. Effects on the natural environment, including ground water contamination, riparian/wetland areas, soil erosion, vegetation and air pollution and noxious weeds.

All nine voting members stated that there was not a significant impact.

5. Effects on wildlife and wildlife habitat, including fisheries and mammals.

All nine voting members voted that there was a non-significant impact.

6. Effects on public health and safety, including sanitary issues such as sewage disposal and ground water contamination, police and fire protection, wild land fire hazard, traffic safety and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, overhead power lines, industrial activities, mining activities , irrigation ditches and defined dam inundation areas.

Jim stated that there is a significant impact because of lack of evidence of protecting the water, the lack of response time from law enforcement, and extended response time in general for services.

The other eight voting members do not think there is a significant impact.

JR made a motion to approve the subdivision based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

Chip seconded the motion.

The vote was called; the members voted (9-0), to approve the motion to approve the subdivision proposal. (See Attachment G, Ravalli County Planning Board meeting Vote sheet)

(C) Florence Orchard Homes (Solheim) Minor Subdivision and Two Variance Requests

i. Staff Report on the Subdivision

John gave the staff report stating the following:

- 1) That the variance request from Section 5-2-2(c)(6) of the Ravalli County Subdivision Regulations to relieve the developer from constructing an internal road, be **approved**, based on the findings of fact and conclusions of law in the staff report.
- 2) That the variance request from Section 5-4-5(e) of the Ravalli County Subdivision Regulations to relieve the developer from improving Iowa Avenue to County Standards, be **denied**, based on the findings of fact and conclusions of law in the staff report.
- 3) That the Florence Orchard Homes, Portion of Lot 34, AP Minor Subdivision be **denied**, based on the fact that the proposal does not comply with the Ravalli County Subdivision Regulations.

Based on the recommendation for denial of variance #2, staff is recommending a denial of the subdivision proposal as a result of an incomplete application.

ii. Presentation by Subdivider's Representative

Jake Kammerer, of Kammerer Environmental Consulting, stated that all of the lots to Iowa were written into agreement of lot owners, but the previous County Attorney did not agree with that. The original purpose of the SID but it fell apart.

iii. Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals

There were none

Ben stated that he would not want a lot that accesses off Iowa.

Lee said that this is an undo hardship because of the cost.

iv. Planning Board deliberation and recommendation on variance one.

Ben made a motion to approve the variance request from Section 5-2-2(c)(6) of the Ravalli County Subdivision Regulations to relieve the developer from constructing an internal road

John Carbin seconded the motion.

The vote was called; the members voted (9-0), to approve the motion to approve the first variance proposal.

Jake asked if he could get a continuance so that he could take care of some things and speak with his client.

8. Communications from Staff

There was none.

9. Communications from Public

There was none.

10. Communications from The Board

There was none.

11. New Business

There was none.

12. Old Business

There was none.

13. Next Regularly Scheduled Meeting: May 7, 2008 at 7:00 p.m.

(A) Quast Dairy Lots (R & G Inc.) Major Subdivision

14. Adjournment

Lee adjourned the meeting at 6:30 p.m.